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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/573,721

03/27/2006

Adam S. Leitch

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04/01/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

PO BOX 3001

BRIARCLIFF MANOR, NY 10510-8001

EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,721	<b>Applicant(s)</b> LEITCH ET AL.	
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

The application of Adam S. Leitch for Network for locating a wireless tag filed 3/27/06 has been examined. Claims 1-21 are pending.

#### ***Specification***

The abstract of the disclosure is objected to because the abstract should be written on a separate piece of paper. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

There are two claims numbered as claim 16.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 21 is rejected under 35 USC § 101

Regarding claim 21, computer programs are non-statutory subject matter the descriptions of a computer program are not physical things. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed

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elements of a computer which permit the computer program's functionality to be realized (MPEP 2106.01 [R-6]).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 6-7, 11-13, 15, 17, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Armstrong et al. US Patent Application Publication 20020175805.

Regarding claims 1, 6-7, 11-12, 15, 17, 20, Armstrong teaches a network for locating a plurality of wireless tag comprising:

a plurality of wireless node, each node is provided by an interrogator (109) as shown in figure 1, each node is included in a layer for installation inside a building and configured to be wirelessly connect to at other node such that the plurality of node have a determinable space arrangement and provide overlapping wireless coverage for locating the tags (paragraph 044).

Regarding claim 2, Armstrong teaches the tag network is situated in a building (paragraph 044) and a building inherently include floor covering.

Regarding claim 8, Armstrong teaches determining the range to the neighboring node (paragraph 043).

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Regarding claim 13, Armstrong teaches a battery for generating power for the wireless node (paragraph 083).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong et al. US Patent Application Publication 20020175805 in view of Examiner's official notice.

Regarding claims 3-5, Armstrong teaches the tag network is situated in a building (paragraph 044) but is silent on teaching the network include carpet, tiles for covering the floor, and tiles for covering the ceiling. The examiner take official notice that a building conventionally includes carpet overlay, tiles for covering the floor and tiles for covering the ceiling and the network in a building would obviously includes such components.

Claims 9-10, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong et al. US Patent Application Publication 20020175805 in view of Diggelen US Patent Application Publication 2002/0137523.

Regarding claims 9-10, 18-19 Armstrong et al. is silent on teaching determining the range by determining a time arrival of the received signal. Diggelen in an analogous art teaches

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determining the range of tag based on the time of arrival of the received signal and determining a value of the signal strength of the received signal (paragraph 041).

It would have been obvious to one of ordinary skill in the art to modify the system of Armstrong as disclosed by Diggelen because determining the range of tag based on the time of arrival of the received signal and determining a value of the signal strength of the received signal represent conventional and reliable ways of determining the location of a RF tag.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong et al. US Patent Application Publication 20020175805 in view of Tuttle US Patent 5300875.

Regarding claims 14 and 16, Armstrong is silent on teaching a piezoelectric crystal for generation power. Tuttle in an analogous art teaches the use of a piezoelectric power source for generating power (col. 1 lines 55-67). The examiner takes official notice that inductive means are conventionally used for transferring power between an interrogator and tags.

It would have been obvious to one of ordinary skill in the art to use a piezoelectric crystal for generating power in the system of Armstrong because the piezoelectric crystal is a reliable cost effective means for providing power.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Examiner, Art Unit 2612  
March 30, 2009